

Appl. No. 10/776,048
Amdt. Dated 06/21/05
Reply to Office Action of 03/21/05

Remarks/Arguments

Applicant would like to thank the examiner for the thorough review of the present application. Applicant has amended claims 1, 7, and 12 to better recite the structure of the trap doors to recite the weight of the rodents causing the doors to pivot downwardly and pivot upwardly automatically after the rodents enter the cavity, as helpfully cited by the examiner, and to correctly describe the stopping members being directly connected to the end portions of the trap doors, not the cage, as incorrectly recited in applicant's original claims 2, 7, and 12. Applicant has canceled claim 2 and rewritten claim 2 in independent form including all the limitations of the base claim. Applicant respectfully submits no new subject matter has been introduced into the amended claims because all new claim recitations are clearly disclosed in the originally filed drawings and a person of ordinary skill in the art would understand the new claim recitations.

The examiner has maintained his rejections of claims 1-3, 6, 7, 8, 11, 12, and 13 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 2,725,661 to Bowman in view of U.S. Patent No. 1,630,798 to Morelli and further in view of U.S. Patent No. 2,584,498 to Posey. The examiner asserts Bowman shows a plurality of trap doors (4), pivotally connected to the cage adjacent the opposed end portions for causing rodents to enter the cavity and become trapped therein as rodents move toward the bait, as recited in applicant's claims 1, 7, and 12. Applicant's amended claims 1, 7, and 12 now recite trap doors with deformably resilient spring members which are adaptable between tensed and relaxed positions. The spring members become tensed when the rodents move inwardly and the trap door pivots downwardly. Such spring members become relaxed when the rodents exit the trap door into the cavity, thus causing the trap door to pivot upwardly. Applicant submits Bowman teaches doors which lock in a closed position (See Bowman Column 2, Lines 46-47) until the user opens the doors to reset the trap (See Bowman Column 2, Lines 48-49). Applicant respectfully submits Bowman does not teach an automatic resetting of trap doors, but rather doors which must be manually reset by the user. Therefore, applicant submits Bowman in view of Morelli and Posey does not teach applicant's claimed invention.

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Applicant's original claims 2, 7, and 12 incorrectly recited the plurality of stop members being connected to the cage adjacent the trap doors to prevent the trap doors from pivoting upwardly from a resting position. Applicant's respectfully submits such a recitation is non-enabling because Applicant's drawings disclose the stop members being connected to the end portions of the trap doors, not the cage. Applicant's amended claims 1, 7, and 12 now recite the stop members being directly connected subjacent to the trap doors and extending outwardly from the end portions and parallel thereto. Applicant submits that this correction is clearly disclosed in applicant's FIG. 3, item 44, and in applicant's FIG. 2. In particular, FIG. 2 shows the trap door in the downwardly pivoted position and the stop member extending therefrom. Applicant submits the stop members (13) of Bowman are connected to the cage, not the trap doors, therefore, Bowman, as modified by Morelli and Posey, does not teach applicant's claimed invention.

In view of these considerations, it is respectfully submitted that the rejection of the original claims should be considered as no longer tenable with respect to the currently amended independent claims 1, 7, and 12. All pending dependent claims necessarily include the recitations of their independent claims and therefore are also in condition for allowance.

Should the examiner consider necessary or desirable to make formal changes anywhere in the specification, claims and/or drawings, then it is respectfully asked that such changes be made by examiner's Amendment, if the examiner feels this would facilitate passage of the case to issuance. Alternatively, should the examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned attorney.

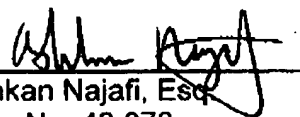
Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

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Respectfully submitted,
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